

REMARKS

Applicants and the undersigned thank Examiners Morgan and Thomas for the courtesies they extended to Mr. Kramer, Dr. Kirsh and the undersigned during the interview of April 5, 2005. The remarks below, in conjunction with the Interview Summary, reflect what was discussed at the interview.

As explained at the interview, applicants have amended independent claims 1-7 to describe that the appeal of the claims includes a request for reconsideration of a claim adjudicated by an insurer.

Other amendments have been made to claims 1-7 to better describe what applicants regard as the invention. New claims 8-14 have been added. As discussed in the interview, new independent claims 8, 11 and 12 include the feature of converting the received information to a predetermined appeal format.

In the interview, the Examiner stated that because the disclosure does not provide an explicit definition of an “appeal,” that the “broadest reasonable construction” allows this term to be interpreted as a disputed claim for a dollar amount. Applicants respectfully submit that the disclosure does not support such a broad construction and that the disclosure, taken as a whole, clearly uses the term “appeal” in the context of a request for reconsideration of an adjudicated claim. (See, e.g., paragraphs 3, 14 and 21.) However, to better describe the claimed invention, applicants have amended independent claims 1-4 and 7 to include the definition given above.

Claims 1-4 and 6 stand rejected as unpatentable over Burchetta in view of Israel. Claim 5 stands rejected as unpatentable over Burchetta in view of Israel and further in view of Barber. Claim 7 was rejected as unpatentable over Burchetta. In the Office Action, the Examiner stated that “the claimed generating an appeals form is met by the demand” disclosed in Burchetta (Action at 2.) All of the rejections made in the Action are premised on this broad definition of an appeal provided by the Examiner. As discussed in the interview, applicants submit that Burchetta only teaches that a “demand is the amount of money required by the person having a claim...against another person.” (Burchetta at col. 3, lines 54-55.) In the interview, the

Examiner recognized that the appeal as further defined in the amendments above is distinct from a demand for an amount of money. For this reason, applicants respectfully request that rejection of all pending claims as amended be withdrawn.

In connection with the rejection of claims 1-3, the Examiner stated that Israel's teaching of a "complete non-judicial dispute resolution management" system discloses the claimed "appeals agency." The Examiner further cited Israel at col. 19, lines 1-18, where the forwarding of data for mediation and/or arbitration is taught. In the interview, the Examiner also stated that because the disclosure does not provide an explicit definition of an "appeals agency," that the term can be interpreted to include a mediator or arbitrator. While the applicants appreciate the Examiner's careful explanation of the basis for this rejection, applicants respectfully submit that the amendment further defining an appeal overcomes both Burchetta and Israel because neither teaches an appeal that includes a request for reconsideration of a claim adjudicated by an insurer.

Applicants have added new claims 8-14. New independent claim 8 includes the feature of "converting at least a portion of the received information to a predetermined appeal format." Applicants submit that this feature is also not taught by any of the references cited in the Office Action.

Early action allowing claims 1-14 is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge

the cost of such petitions and/or other fees due in connection with the filing of this document to
Deposit Account No. 03-1952 referencing Docket No. 462322000100.

Respectfully submitted,

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